IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.11357 OF 2005

Between:

Dr.V.Jayaprada, W/o.V.A.S.Prakasa Rao,

aged 52 years, working as Assistant Director,

Office of Department of Archaeology and Museum,

Vijayawada, Krishna District.

..... PETITIONER

AND

The State of A.P. represented by its Secretary

to Government, Youth Advancement,

Tourism and Culture (T) Department,

Secretariat, Hyderabad and others.

.....RESPONDENT

THE HON'BLE SRI JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE SRI JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.11357 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

This Writ Petition is filed with a prayer as follows:

> "…. Hon'ble Court may be pleased to issue a writ order or direction more in the nature of Writ of Certiorari calling for the records relating to the Order of the Hon'ble A.P. Administrative Tribunal, dated 4.5.2005 in O.A.No.133 of 2005 and quash the same by holding it as illegal, bad and arbitrary and further declare G.O.Rt.No.19, dated 5.1.2005 as illegal, bad and arbitrary and consequently set aside the same and further direction to the respondents to continue the petitioner at Vijayawafda …."

The petitioner was working as an Assistant Director of Archaeology and Museums at Vijayawada. By an order dated 05.01.2005, the petitioner was sought to be transferred to Kakinada, which was challenged by the petitioner in O.A.No.133 of 2005 before the A.P. Administrative Tribunal. By an order dated 04.05.2005, the Tribunal was pleased to dismiss the O.A. and hence the present writ petition.

The 3rd respondent, who was working as an Assistant Director, ASP Government Museum & Research Institute, Kakinada, made a request that his case be considered for posting at Vijayawada, which request was accepted by the respondents 1 and 2 herein and as a consequence, the petitioner came to be disturbed from Vijayawada, which led to the above litigation.

The third respondent sought the transfer to Vijayawada on the ground that he is going to retire within a year and that his wife is working at Vijayawada and that he is suffering from heart ailment.

When the matter was taken up on the last occasion, learned counsel for the petitioner stated that the petitioner worked only for about an year at Vijayawada and due to sudden shift to Kakinada, much inconvenience has been caused, apart from the fact that the petitioner has been suffering from cancer. In the background of the above-mentioned statement, learned counsel for the third respondent sought some time for obtaining further instructions.

Today when the matter is taken up, learned counsel for the third respondent made a statement that in view of the ailment of the writ petitioner, he does not want to continue at

Kakinada, on humanitarian consideration. Accordingly, the Government is willing to cancel the earlier transfer orders dated 05.01.2005 of the petitioner and the third respondent.

In the circumstances, since the order dated 05.01.2005 is an order prompted by a request made by the third respondent herein, we deem it appropriate in the peculiar facts and circumstances of the case to dispose of the present writ petition directing the Government to retain both the petitioner and the third respondent in the same stations where they are working prior to the issuance of the impugned order dated 05.01.2005 in G.O.Rt.No.19, unless the administrative exigency demands otherwise.

Both the petitioner and the third respondent represented that in view of the litigation, their pay has been stopped by the respondents 1 and 2 for the last seven months. We, therefore, deem it appropriate to direct the petitioner and the third respondent to make a representation to the Government seeking payment of the salary, and the Government is directed to consider such representation in accordance with law and pass appropriate orders.

The Writ Petition is therefore dismissed as having become infructuous. No costs.

J.CHELAMESWAR,J

M.VENKATESWARA REDDY,J

2nd AUGUST, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND

THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.11357 OF 2005

(Per Sri Justice J.Chelameswar)

2nd AUGUST, 2005